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Subject: News Articles (For EPA Distribution Only)

BNA DAILY ENVIRONMENT REPORT ARTICLES

Pennsylvania Redeveloper to Defend Use of PCB-Laced Fill Material

By Sylvia Carignan

Posted Dec. 7, 2018, 4:20 PM

A Pennsylvania company working to reclaim an abandoned mine is challenging the EPA's determination that the company potentially violated a federal chemical waste law and state permit.

Chemical Makers Seek to Boost U.S.-Canadian Regulatory Cooperation

By Adam Allington

Posted Dec. 7, 2018, 4:11 PM

U.S. and Canadian companies are calling for more action to streamline cross-border trade in chemicals.

Union Carbide Loses Asbestos Appeal Over Secrecy Ruling

By Steven M. Sellers

Posted Dec. 7, 2018, 3:47 PM

Union Carbide Co. may not immediately appeal a ruling requiring that it disclose corporate records in an asbestos exposure case, a Maryland appeals court ruled.

Syngenta Can't Drop Dead-Rat Study Yet, EPA Advisers Say (1)

By Pat Rizzuto

Posted Dec. 7, 2018, 10:18 AM Updated Dec. 7, 2018, 1:50 PM

Syngenta's scientists must go back to their laboratories and do more research before the EPA can accept chemical safety data from a new nonanimal test strategy, agency advisers said.

INSIDEEPA.COM ARTICLES

EPA, Canada Reject Industry Push To Align Chemical Regulatory Decisions

EPA and Canadian regulators are rejecting a push from the chemical industry and other sectors to align regulatory decisions on pesticides and other toxic chemicals, citing conflicting statutory directives and strict time lines for decision-making under the countries' governing statutes such as the revised Toxic Substances Control Act (TSCA).

GREENWIRE ARTICLES

Meet the self-made billionaire in Pruitt's corner

Published: Friday, December 7, 2018



Billionaire GOP megadonor Diane Hendricks supported ex-EPA Administrator Scott Pruitt's legal defense fund. Rock County Historical Society

The Republican super donor who bolstered former EPA Administrator Scott Pruitt's legal defense is one of the richest women in America, known for shoveling millions of dollars into GOP causes.

Billionaire Diane Hendricks of Beloit, Wis., gave \$50,000 to help pay for Pruitt's legal expenses, according to the last financial disclosure [report](#) he filed as EPA chief.

Hendricks is the chairwoman and co-founder of ABC Supply Co. Inc., one of the largest wholesale distributors of roofing in the country. In addition, she controls Hendricks Holding Co. — which has companies in insurance, construction, manufacturing, recycling and pharmaceutical research — as well as more than 25 million square feet of commercial real estate in the United States.

<https://www.eenews.net/greenwire/2018/12/07/stories/1060109095>

CHEMICAL WATCH ARTICLES

EU fire safety plans prompt industry discussion on flame retardants

Grenfell Tower incident has raised need for action

7 December 2018 / Built environment, Europe, Halocarbons, Textiles & apparel



European trade groups, the International Antimony Association (i2a) and the International Bromine Council, are planning to "better communicate the important role" flame retardants play in the EU's plans for fire safety in buildings.

The 2017 fire at London's Grenfell Tower, which killed more than 70 people, and a 2015 incident at a nightclub in Bucharest that killed more than 60 people, have prompted EU authorities to review fire safety.

To improve communication among member states and relevant stakeholders, the European Commission created the Fire Information Exchange Platform (Fiep), which met last week. The Commission explained that it is examining the feasibility of a European fire safety code.

This work could have implications on the use of flame retardants in building products, materials and furniture. And, as a result, [i2a](#) focused its second annual antimony event on the current perception of flame retardants, communication gaps around the benefits of substances and how they can contribute to the EU's plans.

The flame retardants industry is the biggest user of antimony compounds. The compounds do not have flame retardant properties, instead they act as synergists. Adding small amounts of antimony compounds to chlorine or bromine substances increases the flame retardancy of a material, the association's secretary general Caroline Braibant told Chemical Watch.

Antimony can be added to PVC, for example, where it works with chlorine to reduce the level of oxygen in the material and therefore lowers the chances of ignition, she said.

The two day event – which brings together producers and users of antimony compounds – covered the need to:

- engage people in ongoing exposure control initiatives;
- clarify within industry consumer exposure from products; and
- communicate more broadly about the positive aspects of flame retardants.

"On one hand the EU is looking into better fire safety standards, largely a result of the UK's Grenfell incident. But on the other side they want less hazardous chemicals used in products," Ms Braibant said.

These two objectives, she said, are difficult to reconcile because antimony, bromine and chlorine substances have intrinsic hazardous properties. However, they are some of the best-performing flame retardant solutions and their intrinsic properties do not necessarily imply a risk for the users or consumers.

"Risk only happens where exposure to these chemicals happen above the level at which they start to express their toxicity," she says.

Some brominated and chlorinated flame retardants are [listed](#) on the UN's Stockholm Convention of persistent organic pollutants. Echa has also restricted the use of brominated flame retardant decaBDE in certain products and materials.

"We agree that the hazards are there at different levels, but there is no exposure, or at least no major exposure, that would justify a stop in using flame retardants because of their chemical risk," said Ms Braibant. For antimony, participants at the event declared that this posed little problem because they are "embedded in the plastic".

The recycling of materials containing antimony, bromine and chlorine flame retardants was also raised. "Sorting processes that ensure the antimony containing plastics are not mixed with other sources of plastics already exist," said Ms Braibant.

However, there is still more to be done to make the recycling of antimony from flame retardant plastics and textiles economically viable.



Leigh Stringer

Global Business Editor

Related Articles

- [Antimony industry to start data gathering effort in 2019](#)
- [Stockholm meeting reaches provisional agreement to ban HBCD](#)

Washington state eyes action on toxics for orca recovery

Taskforce recommendation targets flame retardants, phthalates, PFASs

7 December 2018 / Priority substances, United States



A taskforce organised by Washington Governor Jay Inslee to protect the orca population has recommended the state take action to "prevent the use and release" of certain chemicals of emerging concern. These include flame retardants, phthalates and PFASs.

The recommendation came in a November report of the Southern Resident Orca Task Force, a group formed at the direction of a governor's executive order from March 2018 to identify and support the implementation of a long-term plan for recovering the region's waning killer whale population.

The taskforce focused on toxic contaminants as one of three "key threats" to the endangered species, and set a goal to reduce exposures to orcas and their prey.

The taskforce's final report has recommended that the state "identify, prioritise and take action on chemicals" that threaten these animals. Specifically, it calls for the Department of Ecology to develop a list of priority chemicals and to pursue policies "to prevent the use and release of chemicals of emerging concern into Puget Sound".

The recommendation encourages the department to submit legislation requests in 2019 for new policies and action that can reduce the load of chemicals of concern, such as phase outs, disclosure requirements and assessment of safer alternatives, and to seek increased funding of existing programmes.

Contaminants of emerging concern named in the report include: flame retardants per- and polyfluoroalkyl substances (PFASs), phthalates, bisphenols, nonylphenols (NPs), and chemicals used in tyres. Furniture, electronics, clothing and personal care products are identified as consumer products pathways for these substances' entry into the environment.

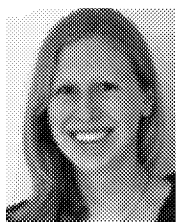
Further recommendations on toxics include:

- accelerating the implementation of a ban on polychlorinated biphenyls (PCBs) in state-purchased products;
- speeding up the clean up of legacy contaminants like PCBs, polycyclic aromatic hydrocarbons (PAHs), polybrominated diphenyl ethers (PBDEs) and PFASs; and
- increasing monitoring of toxins in marine waters.

Governor Inslee said he would review the recommendations and roll out budget and policy priorities by mid-December.

In the coming year, the taskforce plans to "work to refine additional recommendations to ensure the state is on a clear path to working with partners and across boundaries to ensure a self-sustaining and resilient population" of orcas.

Another report will be issued in October 2019 on the progress made and outstanding needs.



Kelly Franklin

North America editor

Further Information:

- [Final report](#)
- [Governor response](#)
- [Task Force overview](#)

Major European project finds high phthalates levels in toys

Enforcement collaboration destroyed more than 30,000 products

10 December 2018 / Enforcement, Europe, Phthalates



A joint customs and market surveillance operation by four EU countries has found that of 104 samples of toys it checked, more than a third contained illegal levels of phthalates.

And 92% of the offending items carried the CE marking that indicates conformity with health, safety, and environmental protection standards for products sold within the European Economic Area.

The Czech Republic, Hungary, Poland and Slovakia inspected samples from 438 consignments of 2.25m pieces of toys from China, between September and October last year.

The inspections focused on those plasticised toys – especially dolls – thought to present a high risk because of suspected concentrations of phthalates exceeding restrictions under REACH Annex XVII articles 51 and 52.

Three of the phthalates found – DEHP, DBP and BBP – are on the REACH candidate list of SVHCs due to their reprotoxic and endocrine disrupting properties. The others are DINP, DIDP and DNOP.

Speaking to Chemical Watch after a European Commission [conference](#) on REACH, CLP and biocides enforcement in November, Anna Kobylecka, from the customs department at the Polish ministry of finance, said the aim of the project "was not to determine the percentage of safe products imported via the countries, but to ensure that dangerous products are not released for free circulation".

What was "worrying", she added, was that the high level of toys with excessive levels of phthalates that had the CE marking was a declaration by the producer that all the relevant requirements were met at production stage.

The enforcers blocked more than 722,000 toys from the market during the initial stage of control. At a later stage some toys were rectified and released for free circulation, she said. Certain toys were re-exported when importers did not want to take corrective measures on labelling or providing warnings or instructions.

National market surveillance authorities destroyed 31,590 toys because their suspected high levels of phthalates were deemed a "serious risk".

Following the control measure 21 notifications were made to the EU's Rapid Alert System (Rapex) for dangerous non-food products.

Practical solutions

In a Q&A session at the Commission conference, Mauro Scalia from textiles industry association Euratex said the findings suggest testing is needed on individual products, but asked: "do we have the right tools or do we need different tools?"

The EU textiles sector, he said, imports 22b products, while 4bn are made in the European Union. "Less than 1% are checked."

"As customs we believe that we have the proper tools because we are the ones to stop the goods, to choose and target for controls and we have proper legislation and powers to do it," Ms Kobylecka said.

It is really a question for enforcement authorities, she added, as to whether they have enough resources to conduct laboratory checks of all products. "Of course it's not possible." For the time being, she said, authorities should check that products meet formal requirements.

Mike Potts, from the UK's Health and Safety Executive (HSE), said Britain does two things:

- it ensures accurate targeting: this enables inspectors to test as many non-compliant products as possible; and
- it looks at the testing companies, such as large importers, undertake. The HSE will contact a company and ask about their testing strategy, what questions they ask suppliers and the kind of contracts they have with non-EU suppliers to require them not use restricted substances or SVHCs.

Michael Flueh from the Commission agreed it is impossible to control 100% of products. "The first responsibility is the source doing the business" to make sure marketed products are compliant, he said.

"We have taken recently new measures on CMRs [carcinogenic, mutagenic and reprotoxic substances] in textiles. So this is already an indicator target on which enforcement authorities might focus in the future," he added.

Last year a REACH-En-Force-4 (Ref-4) project found almost a fifth of toys checked on the European market were non-compliant with an EU restriction on phthalates. Coordinated by Echa's Enforcement Forum, it looked at 14 restriction entries in REACH Annex XVII across 29 countries.



Luke Buxton

EMEA desk editor

Related Articles

- Divergent EU penalties forming 'holes' in chemicals law enforcement
- EU adopts restrictions on CMRs in textiles
- REACH enforcement project finds phthalates in toys a 'big problem'

Further Information:

- Conference webstream

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